



## UTAH STATE SENATE

319 STATE CAPITOL • SALT LAKE CITY, UTAH 84114 • (801) 538-1035 • FAX (801) 538-1414

# NOTICE OF BILL RETURNED TO THE RULES COMMITTEE

February 25, 2004

Mr. President:

The Business and Labor Committee has returned **S.B. 95 Issuing a Bad Check or Draft** to the Rules Committee with the following amendments:

1. *Page 1, Lines 11 through 14:*

- 11 This bill:
- 12 ▶ ~~[[ removes language that exempted a person from the offense of issuing a~~  
~~bad check if~~
- 13 ~~the person makes good on the amount of the check within 14 days of his or her~~  
14 ~~receipt of notice that the check did not clear. ]]~~ provides an affirmative defense if  
the writer of the check does not know that the check will not clear, does not have  
funds to make good on the check, and returns to the payee any property or money  
obtained by the dishonored check.

2. *Page 2, Lines 34 through 41:*

- 34 ~~[[+]]~~ (2) Any person who issues or passes a check or draft for the payment of  
money, for
- 35 the purpose of obtaining from any person, firm, partnership, or corporation, any  
money,
- 36 property, or other thing of value or paying for any services, wages, salary, labor, or  
rent,
- 37 payment of which check or draft is legally refused by the drawee, is guilty of issuing  
a bad
- 38 check or draft if he fails to make good and actual payment to the payee in the  
amount of the

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39 refused check or draft within 14 days of his receiving actual notice of the check or draft's  
40 nonpayment. ~~[[+]]~~

(3) It is an affirmative defense to prosecution for issuing a bad check or draft that:  
(a) the person issuing the check or draft did not know or have reason to know that the check or  
draft would not be honored by the drawee;  
(b) the check or draft was dishonored because of a third party's actions that were not authorized  
by the person issuing the check or draft;  
(c) the person issuing the check or draft has returned to the payee any money, goods, property, or  
other item of value the person received in exchange for the dishonored check or draft, and:  
(i) the goods, property, or other item of value are in substantially the same condition as when  
obtained by the person; and  
(ii) the person returns to the payee the money, goods, property, or other item of value within 14  
days of receiving actual notice the check or draft was dishonored; and  
(d) the person issuing the check or draft lacked funds sufficient to make full payment to the payee  
in the amount of the dishonored check or draft within 14 days of the person's receiving actual  
notice the check or draft was dishonored.

41 ~~[(3)]~~ ~~[[~~(2)~~]]~~ (4) An offense of issuing a bad check or draft shall be punished as follows:

Respectfully,

Parley Hellewell  
Committee Chair

Voting: 0-0-0

13 SB0095.SCI.WPD 2/25/04 9:48 am kallred/MBS JLV/ALH

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